

LOS ANGELES POLICE COMMISSION

REVIEW OF THE DEPARTMENT'S COMPLAINT, FORM 1.28, INVESTIGATIONS PHASE I AUDIT, FISCAL YEAR 2008-2009



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

ANDRÉ BIROTTE, JR.
Inspector General

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**OFFICE OF THE INSPECTOR GENERAL
REVIEW OF THE DEPARTMENT'S
COMPLAINT, FORM 1.28, INVESTIGATIONS PHASE I AUDIT,
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PURPOSE

The Office of the Inspector General (OIG), pursuant to Consent Decree Paragraph 135, reviewed the Los Angeles Police Department's (Department) Complaint, Form 1.28, Investigations Phase I Audit (Audit) for the second quarter of fiscal year 2008/2009. The Audit was conducted by Internal Audits and Inspections Division (IAID) and received by the OIG on January 2, 2009. This review assessed the completeness of the Audit, its findings, and the overall quality of the Department's Audit.

BACKGROUND ON THE DEPARTMENT'S AUDIT

In order to facilitate the timeliness of the audit process and the relevancy of the audit findings, IAID conducted its Complaint, Form 1.28, Investigations Audit in two separate phases. Phase I evaluated the various systems and controls surrounding complaint investigations. Phase II, expected to be issued by March 31, 2009, will evaluate the quality of complaint investigations. Table No. 1 delineates the Consent Decree paragraphs and subparagraphs evaluated in IAID's Phase I Audit along with their assessment of compliance.

Table No. 1 – Phase I Audit Results

Obj. No.	CD Paragraph	Description of Audit Objective	Compliance Percentage
1	51	Evaluate the Use of TEAMS (Training Evaluation and Management System) II Data for Decision Making:	
	(a)	Selection of Supervisors for Assignment as Internal Affairs Group (IAG) Investigators	98%
	(d)	Document Consideration of Sustained Administrative Investigations, Adverse Judicial Findings or Discipline	100%
2	74	Evaluate the Initiation of Complaints:	
	(d)	Distribution and Accessibility of Complaint Materials	99%
	(f)	Assignment of a Case Number to Each Complaint	100%
	(g)	Continuation of 24-Hour Toll-Free Complaint Hotline Recordings	Standards Not Met
	(g)	Assessment of Complaint Hotline Recordings	Standards Met
3	76	To Determine if Complaints Initiated for All Civil Lawsuits Alleging Officer Misconduct	100%
4	79	Evaluate the Timeliness of IAG Review of Complaint Face Sheets	97%
5	83	Evaluate the Complaint Investigators Access to TEAMS	100%
6	87	Evaluate the Timeliness of Completion of Complaint Investigations	Standards Met ¹
7	93	Evaluate the Assignment of Complaint Investigations to IAG (Complaints with High-Risk Allegation Types ²)	100%
	94	Evaluate if IAG Investigates High-Risk Incidents	100%
8	95	Evaluate the Staffing of IAG Investigator Positions	Standards Met ³
9	152	Evaluate the Notification of Complaints to the OIG Within a Week	100% ⁴

¹The Department met the standards for this objective. Forty-eight of the 78 (62%) investigations were completed within 150 days, thus meeting the 50 % requirement.

² High-risk allegations are those involving unauthorized force, discrimination, unlawful search, unlawful seizure, dishonesty, domestic violence, improper behavior involving drugs, sexual misconduct, theft, or retaliation against an officer or civilian. **

³The Department met the standards for this objective because it also met the standards for Objective Nos. 6, 7(a) and 7(b) [Consent Degree Paragraphs 87, 93, and 94].

⁴Beginning July 2008, IAG discontinued sending the OIG face sheets of all new complaints. Instead, the OIG began relying on the Complaint Management System (CMS) for daily updates of new complaints entered. Hence, testing of this objective should have been considered not applicable.

FOCUS POINT

The OIG commends IAID for its quality assessments of the applicable Consent Decree paragraphs. A significant concern identified by IAID's Audit is described below:

Consent Decree Paragraph 74(g), Continuation of a 24-Hour Toll-Free Complaint Hotline that Records All Calls

The Audit reported that the Department did not meet compliance with this Consent Decree mandate because there were 12 calls that were not answered by hotline personnel nor recorded by the Voice Print System. Of these 12 calls, there was one call made on October 9, 2008 for which the Hotline Test Log confirmed that the "1-800" hotline was not functioning. This was also the day when IAG tested the hotline.

Internal Affairs Group notified IAID that the hotline was not functioning properly. Subsequently, IAG indicated the hotline was serviced and working properly. Internal Affairs Group indicated the City's Information Technology Administration (ITA) conducted a diagnostic test on the hotline which revealed that a faulty computer card was in place. The ITA replaced this card and since, the Voice Print system has been working properly.

As a result, IAID conducted additional testing of the hotline for seven consecutive days, November 18 through November 24, 2008. A total of 14 calls were made during unmanned hours to determine whether the Voice Print system answered the calls. All 14 calls were answered by the Voice Print system.

REVIEW METHODOLOGY

The OIG assessed the completeness, findings, and quality of the Audit and Audit Report by reviewing IAID's audit work plan, supporting audit work papers, electronic files that supported the findings, and final Audit Report.⁵ The Appendix, on Page No. 7, delineates the various populations and samples used by IAID to evaluate the Department's compliance with the applicable Consent Decree paragraphs and the sample sizes the OIG used to assess the Audit.

IAID management expressed agreement with the results of this review.

⁵ For Consent Decree Paragraphs 52(a)(d), 74(d)(f), 79, 87, 93, and 94, the OIG calculated randomly selected one-tail sample sizes with a 95 percent confidence level, an expected error rate of six percent, and a plus-precision of seven percent. For Consent Decree Paragraphs 74(g), 76, 83, and 95, the OIG reviewed IAID's entire sample and/or related workpapers.

REVIEW RESULTS

COMPLETENESS

To assess the Audit's completeness, the OIG reviewed the Audit to ensure applicable Consent Decree paragraphs were assessed and that the Audit selected its samples from complete populations.

Consent Decree Mandates Addressed

Per the Department's Annual Audit Plan, IAID's Complaint, Form 1.28, Investigations Phase I Audit was supposed to assess Consent Decree Paragraphs 51(a)(d), 74(d)(f)(g), 76, 79, 83, 87, 93, 94, 95, and 152. Based on the OIG's review, all applicable Consent Decree paragraphs were assessed by the Audit.

Identification of a Complete Population

To evaluate the applicable Consent Decree paragraphs, IAID selected samples from more than ten audit populations (see the Appendix on Page No. 5). Based on the OIG's review, it appears that IAID selected its samples from complete populations.

FINDINGS

To assess the Audit's findings, the OIG reviewed IAID's supporting work papers to ensure there was adequate support for its findings and reviewed the Report to ensure the findings were properly presented. Based on the OIG's assessment, the Consent Decree compliance determinations were supported.

The presentation of the Audit's findings were well organized and the Audit properly highlighted a significant area of concern as mentioned in the Focus Point section of this report.

QUALITY

The OIG evaluated IAID's Report and Audit for quality.

Report Quality

The Audit Report delineated the Audit's objectives, scope, and methodology. The Report used a fair and unbiased tone and it was found to be convincing and concise. Additionally, it was issued in a timely manner, within a year of IAID's prior audit.

Audit Quality

The Audit was properly planned and the Audit methodology was appropriate.

OTHER RELATED MATTER

Consent Decree Paragraph 87 requires: *“All investigations of complaints shall be completed in a timely manner, taking into account: (a) the investigation’s complexity; (b) the availability of evidence; and, (c) overriding or extenuating circumstances underlying exceptions or tolling doctrines that may be applied to the disciplinary limitations provisions (i) applicable to LAPD officers and (ii) applicable to many other law enforcement agencies in the State of California. The parties expect that, even after taking these circumstances into account, most investigations will be completed within five months.”*

Regarding Objective No. 6, Evaluate the Timeliness of Completion of Complaint Investigations, IAID tested a sample of 78 complaint investigations for completion within 150 calendar days (five months). The 150-day window began the date the complaint was first reported to an uninvolved supervisor and extended to the investigation completion date. To determine the investigation completion date, IAID considered a wide variety of documents that indicated a possible completion date, including the Case Progress Report, Chronological Record, In-Flight Sheet, Letter of Transmittal (LOT), and Complaint Adjudication Form. However, these aforementioned documents were not always available or applicable in each file, nor did they always have a date present.⁶ Furthermore, dates, when present, on the Case Progress Report, Chronological Record, and In-Flight Sheet generally reflect when the *investigation* itself was completed. In contrast, dates on the LOT and Complaint Adjudication Form, when present, generally reflect when the *adjudication* was completed, which occurs after the investigation has been completed and often by a matter of months.

Additionally, the OIG could find no written guidance by the Department which specifies either what is contemplated by the term “investigation completion date” or on which official Department document(s) this investigation completion date should be located. Currently, for each closed complaint, IAG enters a complaint investigation completion date into the Complaint Management System. However, based on the aforementioned discussion, it is not clear to the OIG what this date represents and whether it is a reliable date for testing compliance with the 150-day requirement.

Recommendation

1. The OIG recommends that Department and the OIG come to an agreement as to what specifically the complaint investigation completion date should represent, and work together to standardize procedures to ensure that the appropriate investigation completion date is consistently entered into the Complaint Management System.

CONCLUSION

Overall, the Audit was complete, the findings were supported, and the Audit was performed in a quality manner.

⁶ For example, the LOT, which was sometimes used by IAID, is not applicable for short-form investigations, and when the LOT was used for long-form investigations, it was often not dated.

APPENDIX - AUDIT POPULATIONS AND SAMPLE SIZES

Objective	Consent Decree Paragraph	Summary of Audit Objective	Population Description	IAID's Population	IAID's Sample Size	OIG's Sample Size
1	51(a)	Selection of Supervisors as IAG Investigators	Supervisors Transferred into IAG as Investigators from Sept. 1, 2007 to Aug. 31, 2008.	46	46	19
	51(d)	Documenting Consideration of Sustained Administrative Investigations, Adverse Judicial Findings, or Discipline	Supervisors Transferred into IAG as Investigators from Sept. 1, 2007 to Aug. 31, 2008.	46	46	19
2	74(d)	Initiation of Complaints	Complaint Materials	26 Locations	364 form attributes	N/A Review of AD's Workpapers*
	N/A	Special Order No. 10, 2004 Regarding the Public Display of Community Complaint and Commendation Posters	Council District Field Offices	15 Council Districts	4	N/A Review of AD's Workpapers*
	74(f)	Complaints Are Issued on Complaint Form Numbers	Complaints Received from Jan.1, 2008 through Aug.31, 2008.	3,455	3,455	N/A Review of AD's Workpapers*
	74(g)	Operation of a 24-hour Toll-Free Telephone Complaint Hotline	Telephone Log for Sept. 13, Sept. 25 and Oct. 5, 2008.	3 days	3 days	N/A Review of AD's Workpapers*
3	76	Initiation of Complaints for Civil Lawsuits	List of Pending Lawsuits/Claims for August 2008.	119	119	N/A Review of AD's Workpapers*
4	79	Timeliness of IAG's Review of Face Sheet	Complaints Initiated from June 1 through Aug. 31, 2008.	1,285	89	24
5	83	Complaint Investigator Access to TEAMS II	All IAG Investigators during Deployment Period No. 7, 2008.	117	117	N/A Review of AD's Workpapers*
6	87	Timeliness of Completion if Complaint Investigations	Complaints Closed from Aug. 1-31, 2008, Excluding Failure to Appear, Failure to Qualify, and Preventable Traffic Collision Complaints.	407	78	23 Stratified
7	93 and 94	Assignment of Complaints to COC or IAG	COC-Investigated Complaints Closed from Aug. 1-31, 2008, Excluding Failure to Appear, Failure to Qualify, and Preventable Traffic Collision Complaints.	202	67	22
8	95	Staffing of IAG Investigator Positions	IAG Positions as of Deployment Period No. 9, 2008.	N/A	N/A	N/A Review of AD's Workpapers*
9	152	Notification of Complaints to the OIG	Complaints OIG Received from IAG from Sept 1 to Sept 30, 2008	426	81	N/A (see footnote ² on page No. 2)

* The OIG's review of these samples entailed a review of IAID's workpapers and supporting documents.